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OUR REFERENCE NO.:
069688-00001

October 31, 2018

Via email dlmr.intake.shpd@hawaii.gov

Ms. Nancy Peacock
Chairperson, Hawai'i Historic Places Review Board
c/o Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Boulevard, Unit 555
Kapolei, Hawai'i 96707

Re: Petitioner: Scott Sakata, Sole Trustee of the Masaaki Sakata Trust and Sole Trustee of Marilyn Sakata Trust
Request: Removal of the Masaaki Sakata Building, Honokaa from the:
(1) Hawai'i Register of Historic Places State Historic Preservation Division
Historic Site no. 50-10-08-30678) and (2) National Register of Historic Places
(National Park Service National Register no. 100001414)

Dear Ms. Peacock:

Scott Sakata, Sole Trustee of the Masaaki Sakata Trust and Sole Trustee of the Marilyn Sakata Trust (collectively, "**Scott Sakata**"), is the fee simple owner of the historic Masaaki Sakata Building, located at 45-3577 Mamane Street in Honokaa, Island, County and State of Hawai'i ("**Sakata Building**"). The Sakata Building was listed to the Hawai'i and National Registers on August 7, 2017 and is more particularly identified as TMK No.: (3) 4-5-007:014, State Historic Preservation Division ("**SHPD**") Historic Site no. 50-10-08-30678, and National Park Service National Register no. 100001414.

On behalf of Scott Sakata, we hereby respectfully submit this letter to the Hawai'i Historic Places Review Board ("**Review Board**") to request the removal of the Sakata Building from both the National Register of Historical Places ("**National Register**") and the Hawai'i Register of Historical Places ("**Hawai'i Register**") (the "**Request of Removal**"), and respectfully request placement of this Request of Removal for hearing before the Review Board at its upcoming November 30, 2018 meeting agenda. As explained in detail below, it is of great importance for Scott Sakata to have this matter heard at the November 30, 2018 hearing.

As required by HAR §13-198-10(b), we have attached a map clearly showing the exact boundaries of the Sakata Building and photographs of the Sakata Building which provide a clear and accurate visual representation of the Sakata Building and its setting. See **Exhibit 1** (Map), **Exhibit 2** (Photographs of Sakata Building).

I. Background

As explained in more detail below, the Sakata Building should be removed from both the Hawai'i Register and the National Register because the Review Board failed to notify the fee simple owners of the Sakata Building of the nomination. Failure to notify the owners of a nomination is a procedural error which is one of the grounds for removal of the property from the Hawai'i Register and the National Register.

II. History

The Sakata Building was nominated to the Hawai'i Register and the National Register in May 2016. Prior to the dual nomination being presented to the Review Board, the matter was considered and approved for inclusion by the Hawai'i County's Cultural Resources Commission ("**CRC**") at its March 2016 and May 2016 hearings, and by letter of support from then-Mayor Kenoi. See **Exhibit 3** (March 2016 CRC Hearing Minutes), **Exhibit 4** (May 2016 CRS Support Letter), **Exhibit 5** (Letter by Mayor Kenoi). At the May 2016 hearing, the Planning Department represented that it had received the landowner's concurrence on the nomination. The alleged "landowner" who concurred to the listing of the property was Rick Sakata, brother of Scott Sakata, who represented in his Intent to Participate that he owned or represented the owner of the Sakata Building. The property nominations were completed with the listing on the Hawai'i and National Register on August 7, 2017.

According to Historic Honokaa Town Project's 2018 letter, by Dr. Ross Stephenson, Ph.D. to Scott Sakata and Vern Yamanaka, Rick Sakata claimed to the State Historic Preservation Division ("**SHPD**") in 2014 that he had "conferred with his family members on listing the Sakata Building and agreed to participate in the listing of the Sakata Building in both the Hawai'i Register and the National Register." See **Exhibit 6** (Dr. Stephenson Letter to Mr. Scott Sakata). However, Rick Sakata was **not** an owner of the Sakata Building at the time of nomination, and at present, is not an owner of the Sakata Building.

The fee simple owners of the Sakata Building are "Marilyn Sakata Trust" ("**Marilyn Trust**") and "Masaaki Sakata Trust" ("**Masaaki Trust**") (together "**Trusts**") which were both created on October 22, 1986 by trust instruments. Pursuant to the Third Amendment and Restatement of the Masaaki Trust executed on November 22, 2008, Scott Sakata and his father, Masaaki Sakata ("**Mr. Sakata**") were designated as co-trustees of the Masaaki Trust and remained co-trustees until Mr. Sakata's passing in early 2018. After Mr. Sakata's passing, the terms of the Masaaki Trust provided that Scott Sakata automatically became the sole trustee of the Masaaki Trust. Therefore, at the time of the nomination of the Sakata Building to the

Hawai'i Register and the National Register, both Scott Sakata and Mr. Sakata were to be notified of the nomination.

Pursuant to the Third Amendment and Restatement of the Marilyn Trust executed on November 22, 2008, Scott Sakata and Mrs. Sakata were initially designated as co-trustees of the said trust and remained co-trustees until Mrs. Sakata became incapacitated on or before October 17, 2017, which is after the nomination of the Sakata Building. Under the terms of the Marilyn Trust, Scott Sakata became and currently is the sole trustee of the Marilyn Trust after Mrs. Sakata became incapacitated.

At the time the Sakata Building was nominated for the Hawai'i Register and the National Register, Scott Sakata and Ms. Sakata were to act by unanimous vote when making decisions regarding both Trusts. As discussed in more detail below, Scott Sakata, Mrs. Sakata, and Mr. Sakata, not Rick Sakata, should have been notified of the nomination of the Sakata Building to the Hawai'i Register and the National Register.

III. The Sakata Building Must be Removed From the Hawai'i Register Because the Review Board Failed to Follow the Procedures Set Forth in HAR § 13-198-4(b) by Not Notifying the Fee Simple Owners of the Sakata Property of the Nomination

HAR provide the criteria for the removal of properties from the Hawai'i Register. Pursuant to HAR § 13-198-10(a), properties listed in the Hawai'i Register may be removed therefrom:

1. When the qualities which caused them originally to be listed have been lost or destroyed; or
2. Upon proof that an error in professional judgment has been made; or
3. For failure to follow the procedures set forth in the HAR.

HAR § 13-198-10(a) (emphasis added)

Pursuant to HAR § 13-198-4(b), the Review Board shall notify *each* owner and the nominator of the hearing by registered or certified mail at least forty-five (45) days before a hearing is scheduled on whether the nominated property should be ordered into the Hawai'i Register. HAR §13-198-2 defines "owner" as "a person having fee simple title to property."

After the owners have received notice of the nomination and hearing, they may object up to thirty (30) days from receipt of the notice. Pursuant to HAR § 13-198-4(d), if the owner of the property objects to the nomination, then the property shall not be included in the National Register. However, an objection by the owner does not preclude the Review Board from listing the property in the Hawai'i Register. Nevertheless, the failure by the Review Board to *notify* the owner of the property of the nomination and hearing is a prerequisite for the listing of the property in the Hawai'i Register. HAR § 13-198-10(a)(3).

Based on the aforementioned, the Review Board did not follow the procedures set forth in HAR § 13-198-4(b). At the time the Review Board held its hearings in 2016, it had not notified each fee simple owner of the Sakata Building of the nomination and the hearing, i.e., Mr. Sakata, Mrs. Sakata and Scott Sakata, the trustees of the Trusts at that time. The only person who the Review Board had communicated with and notified was Rick Sakata, who is not an owner of the Sakata Building. This is evidenced by the fact that the notice of nomination and hearing was only mailed to the Honokaa address. The notice was never mailed to Mr. Sakata, Mrs. Sakata nor Scott Sakata at their respective addresses in Kona on the island of Hawai'i. This is also evidenced by Dr. Stephenson's letter to the Review Board attached hereto that confirms the procedural error in the nomination. See **Exhibit 7** (Dr. Stephenson's Letter to Review Board).

Thus, the Review Board failed to follow the notification procedures set forth in HAR and the Sakata Building should be removed from the Hawai'i Register.

IV. The Sakata Building Must be Removed From the National Register Because the Fee Simple Owners of the Sakata Building Were Not Even Given a Chance to Object to the Nomination

36 CFR § 60.15 provides the grounds for removing properties from the National Register, as follows:

1. The property has ceased to meet the criteria for listing in the National Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing;
2. Additional information shows that the property does not meet the National Register criteria for evaluation;
3. Error in professional judgment as to whether the property meets the criteria for evaluation; or
4. Prejudicial procedural error in the nomination or listing process. . . . Any property or district removed from the National Register for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for inclusion in the National Register without further action and will be published as such in the Federal Register.

36 CFR § 60.15 (emphasis added)

Provision 36 CFR § 60.15 echoes HAR § 13-198-4(d), which requires that if the fee simple owner of the property objects to the nomination, then the property shall not be included in the National Register.

Based on the above, by not being notified of the nomination, Mr. Sakata, Mrs. Sakata and Scott Sakata were never able to object to the nomination and therefore, the nomination procedure

was defective and the Sakata Building should not have been included in the National Register in the first place. Hence, the listing was invalid from the very beginning.

V. The Advanced Funds By SHPD Will be Refunded

Scott Sakata is aware of the fact that in reliance on the representation made by Rick Sakata to SHPD in 2014, where Rick Sakata claimed to have conferred with his family members on listing the Sakata Building, SHPD has advanced cumulative funds to Rick Sakata in the total amount of \$13,903.68 in order to paint the exterior of the Sakata Building and place a sign that reads "Sakata Building" on the parapet of the building. See Exhibit 6 and Exhibit 7. Scott Sakata is willing and able to refund SHPD a portion of the advanced funds (less the costs to relocate the paniolo mural from the Botehlo Building) once the Sakata Building has been removed from the Hawai'i Register and/or the National Register.

VI. Scott Sakata Will Face Financial Hardship If the Request of Removal is not Heard at the November 30, 2018 Meeting

Scott Sakata did not become aware of the listings until May 2018 when a potential buyer ("Buyer") of the Sakata Building notified him of the issue in connection with Scott Sakata and the Buyer negotiating a real estate purchase contract ("**Real Estate Transaction**"). Scott Sakata immediately objected to the listings and contacted the SHPD for removal by stating that he was never aware of the nomination or the listings.

The Buyer has also indicated that they do not want the property listed as a historic residence and that the removal of the Sakata Building from both the Hawai'i Register and the National Register is a prerequisite for Closing of the Real Estate Transaction. Scott Sakata and the Buyer have extended the Closing of the Real Estate Transaction several times and the Buyer is currently threatening to withdraw from the Real Estate Transaction if Scott Sakata is not able to remove the Sakata Building from both the Hawai'i Register and the National Register.

Scott Sakata requests that the Review Board set this matter for hearing at its November 30, 2018 hearing, as he is currently facing personal financial hardship due to the medical expenses his parents incurred during the sunset years of their lives. To be able to cover these expenses, Scott Sakata had to liquidate almost all of the assets of both of his parents and has taken out a credit line. Currently, Scott Sakata is in the process of paying off the credit line and to be able to do that, he needs to Close on the Real Estate Transaction by the end of this year. Hence, Scott Sakata respectfully requests that the Review Board take this matter up at the November 30, 2018 hearing.

VII. Conclusion

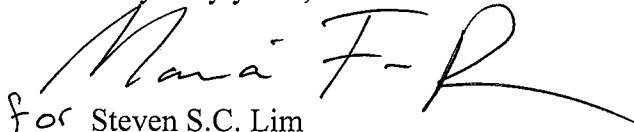
For the foregoing reasons, Scott Sakata respectfully requests that the Review Board place the Request of Removal on the Review Board's meeting agenda for the November 30, 2018

State of Hawai'i State Historic Preservation Office
Ms. Nancy Peacock, Chairperson
October 31, 2018
Page 6

hearing. Scott Sakata reserves the right to file supplemental information and supporting evidence on the Request of Removal, as needed.

Please direct all future communication regarding this matter to this office, with a copy to Scott Sakata at ssakata@aol.com. Thank you for your consideration.

Very truly yours,


for Steven S.C. Lim

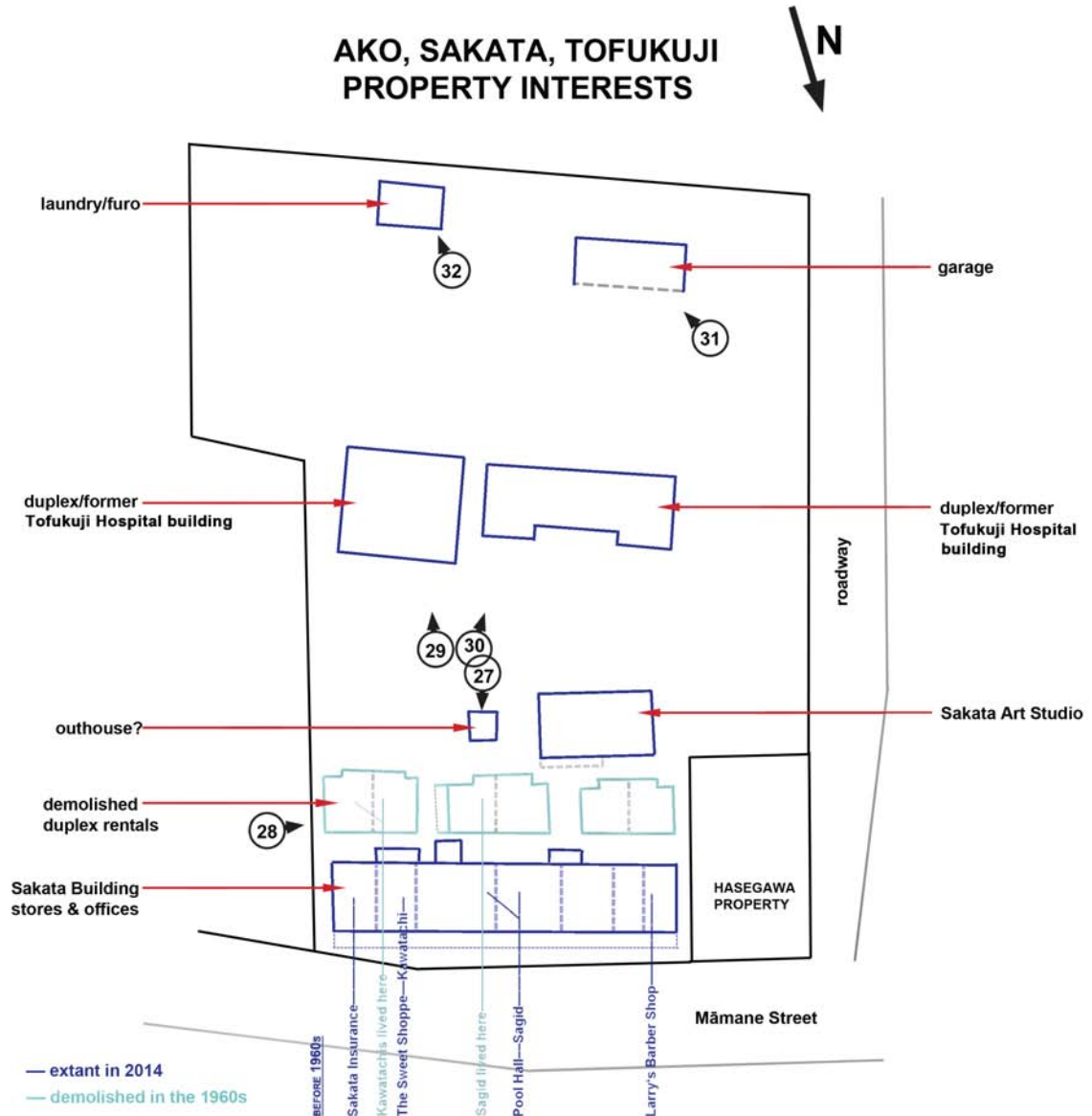
Enclosures
cc: Client (w/ enclosures)
4826-1967-0393.3



EXHIBIT 1

Masaaki Sakata Property
Name of Property

Hawai'i, Hawai'i
County and State



From Hawai'i County Tax Assessor's Field Book

Masaaki Sakata Property
Name of Property

Hawai'i, Hawai'i
County and State

Photo Log

Name of Property: Sakata Property

City or Vicinity: Honoka'a

County: Hawai'i

State: HI

Photographer: Laura Ruby (and except where noted, Ross W. Stephenson)

Date Photographed: 2014

Description of Photograph(s) and number, include description of view indicating direction of camera:

Photo #1 (HI_Hawai'iCounty_Sakata Property_0001)

Sakata Commercial Building Māmane Street façade, (*makai* side) camera facing southeast; inset: parapet signage

Photographer: Laura Ruby

1 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #2 (HI_Hawai'iCounty_Sakata Property_0002)
Māmane Street façade, (*makai* and Hilo sides) camera facing east
Photographer: Laura Ruby

2 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #3 (HI_Hawai'iCounty_Sakata Property_0003)

Hilo side façade, camera facing north

Photographer: Laura Ruby

3 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #4 (HI_Hawai'iCounty_Sakata Property_0004)
rear façade, (*mauka* side) camera facing northwest
Photographer: Laura Ruby

4 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #5 (HI_Hawai'iCounty_Sakata Property_0005)

Waipi'o side façade, camera facing northeast

Photographer: Laura Ruby

5 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #6 (HI_Hawai'iCounty_Sakata Property_0006)
Rear façade exterior detail, (*mauka* side) camera facing northeast
Photographer: Laura Ruby

6 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #7 (HI_Hawai'iCounty_Sakata Property_0007)
Rear façade exterior detail, (*mauka* side) camera facing northwest
Photographer: Laura Ruby

7 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #8 (HI_Hawai'iCounty_Sakata Property_0008)
Rear façade, (*mauka* side) camera facing east-northeast
Photographer: Laura Ruby

8 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #27 (HI_Hawai'iCounty_Sakata Property_0027)
Non-contributing building (outhouse), camera facing northeast
Photographer: Laura Ruby

27 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #29 (HI_Hawai'iCounty_Sakata Property_0029)

Non-contributing former Tofukuji Hospital building (Hilo side), camera facing south-southwest

Photographer: Laura Ruby

29 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #30 (HI_Hawai'iCounty_Sakata Property_0030)

Non-contributing former Tofukuji Hospital building (Waipi'o side), camera facing southwest

Photographer: Laura Ruby

30 of 32.



Masaaki Sakata Property

Name of Property

Hawai'i, Hawai'i

County and State

Photo #31 (HI_Hawai'iCounty_Sakata Property_0031)

Tofukuji Hospital Garage, camera facing southeast

Photographer: Laura Ruby

31 of 32.



**CULTURAL RESOURCES COMMISSION
COUNTY OF HAWAI'I**

**MINUTES
March 9, 2016**

MEETING LOCATIONS:

Hawai'i County Building, Puna Conference Room
25 Aupuni Street, Suite 1501, Hilo, HI 96720
and

West Hawai'i Civic Center, Planning Department Conference Room
74-5044 Ane Keohokālole Highway, Building E, 2nd Floor, Kailua-Kona, HI 96740

COMMISSIONERS PRESENT:

Hilo: Deborah Chang, Theresa Donham, Ke'ala Lee Loy, Boone Morrison
Kona: Barbara Meheula, Christine Wada

COMMISSIONERS ABSENT AND EXCUSED: Ronald Dela Cruz, Lily Dudoit, Nicole Lui

ALSO PRESENT:

Lucas Mead (Staff Planner), Christian Kay (Staff Planner), Kim Tanaka (Secretary)

A quorum was present with six members in attendance. The meeting was called to order at 2:03 P.M. with Chairperson Deborah Chang presiding.

STATEMENT(S) FROM THE PUBLIC: There is a three-minute time limit on each agenda item; statements should be related to items on the agenda. Statements from the public regarding any particular item on the agenda will be taken at the time the particular item is called to order.

BUSINESS OF COMMISSION

1. Review and discussion of the nomination of the Masaaki Sakata Property to the State Register of Historic Places. Property is located on TMK (3) 4-5-007:014, Honoka'a, Hāmākua, Hawai'i.

There was one member of the public in attendance.

Mr. Lucas Mead introduced the nomination. The Masaaki Sakata property contains four contributing buildings, proposed as eligible for the historic registers. The contributing buildings are the Sakata commercial building, the Sakata Art Studio, the Tofukuji Hospital laundry/furo and the Tofukuji Hospital garage. There are other structures on the property that are not proposed as contributing to the nomination. The nomination is based off of Criteria A and C of the Hawai'i and National Historic Registers, as they are associated with events that have made a significant contribution to the broad patterns of our history, and embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction. The Planning Department does not object to the nomination but would like to see additional photos of the Tofukuji Hospital laundry/furo and Tofukuji Hospital garage, showing the significant features of the structures that are identified in

the body of the nomination. The Department will also be offering minor grammatical and structural changes to the nomination paperwork.

Chairperson Chang opened the floor for questions from commissioners. Chairperson Chang stated that the paperwork does not indicate whether the current owner knows that the property is up for nomination to the register. She would like to know if the owner is aware that their property is being reviewed and would like to know what the owner's take is on the nomination. She asked that Mr. Ross Stephenson, the individual who prepared the nomination, provide the Commission this information, and asks that future nominations include this information as well. Mr. Mead provided that this property is up for nomination to both the State and National Registers because it is a commercial property and tax credits are available for commercial buildings when under a national listing; a national listing requires property owner concurrence.

Commissioner Morrison asked what the two property tax exemptions are. He believes that one is for real property tax, and the other is for rehabilitation credit for commercial business; Mr. Mead confirmed. It is his understanding that the rehabilitation credit is available only for those properties listed under the Federal registration. This credit is not on the land taxes, but the business income taxes, and he believes that the taxes can be spread over a five-year period. Mr. Mead feels this is clarification that should be made by the State Historic Preservation Division (SHPD), but he knows that commercial buildings are eligible for rehabilitation credits for monies put toward structures under a federal grant program.

Chairperson Chang noted that the date of Masaaki Sakata's death is not in the document, yet there are dates of death for other family members. Commissioner Lee Loy stated that she believes that Masaaki Sakata is still alive, and reported that he has an insurance company in Waimea.

Chairperson Chang commented that it would be good if they could restore the furo, though she understands that this is not something that the Cultural Resources Commission (CRC) can require. Mr. Mead felt that it would have been beneficial if more pictures of the bath house and garage were provided; there was only one picture of each, but a lot of written information was provided regarding these structures. For rehabilitation purposes, it is important to have the documentation and photos of everything that makes it significant. Commissioner Morrison added that before and after photos will be required by the federal government.

Chairperson Chang wondered about the landowner's feelings of the nomination knowing that the furo, laundry and garage are located in the rear of the property, and the rented duplexes are near the front. It is her understanding that when a property is registered, the buildings must be viewable by the public. In order for this to be possible, the public will need access onto the property and will require passing the rented duplexes. Mr. Mead will follow up and find out if the structure is not accessible by the public, would it preclude it from being added to a designation. He does not believe it does, but will look into it. Commissioner Morrison does not believe that the Secretary of the Interior's Standards has public accessibility or public viewing requirements, but believes it has been expressed as a County tax code requirement for tax credit. Commissioner Lee Loy mentioned that there is an access road between Hasegawa Store and the insurance front office, which can be driven on. She continued that right behind the insurance office, on the left-hand side, was the photography studio, and in the back was the furo house. Chairperson Chang asked if the roadway is a public road; Commissioner Lee Loy responded that it is a public driveway, but unless you have business to conduct in the area, there would be no

purpose to drive on it. After the photography studio closed, it became home to a hālau. Commissioner Lee Loy does not know if it is still used by a hālau today.

Commissioner Donham mentioned that the photos on pages 15 and 16 of the nomination do not seem to relate to the property. Commissioner Morrison stated that it is his impression that Mr. Stephenson added these photos to introduce the change of the demographics and economy of Hāmākua prior to the arrival of Lorenzo Lyons and the Christian Missionaries, as he also speaks about how Hāmākua was not an area of production or of agriculture; he is trying to set a context. Commissioners agreed that it is slightly out of place in the document and that it reads like a history book. Mr. Mead reminded the Commission that a multi-property nomination document already exists. He also states that there are a couple of areas in the document that are redundant, and one of the comments by the National Park Service for national nominations is to keep information concise. Commissioners further discussed the relevance of the photos. Commissioner Morrison asked whether it is the work of the Commission to edit the history or comment on the validity of the nomination; Chairperson Chang said that it is not, but feels that the CRC concerns should be conveyed. Mr. Christian Kay asked if the Commission feels these comments would be substantive enough for the Commission to review this nomination again; Chairperson Chang said that it is not.

Chairperson Chang stated that at the time of the tour, she felt it was unfortunate that the exterior was covered by vinyl siding. She wondered if the asphalt siding is from the plantation era; Commissioner Morrison said that it is not. Commissioner Morrison asked, under the Secretary of Standards, how far is the property owner expected to go to maintain the exterior? The price of some of the original materials used are astronomical today; it can become tremendously burdensome and a lot to ask of someone. Commissioner Morrison prefers it be designated as a state landmark than have the costs passed down to the owner.

Chairperson Chang suggested that the property should be moved forward for registration even though there are questions or concerns that the Commission would like to see addressed. Commissioners agreed. Mr. Mead informed the Commission that the nomination has not yet gone to the Hawai'i Historic Preservation Division Review Board; the CRC has been given the first opportunity to comment. He recommended that the Commission provide a list of suggestions for improvement, a list of items to be addressed, and offered that the Commission may ask to see a revised nomination. Mr. Stephenson can choose to incorporate suggested changes if he wishes. Commissioner Morrison asked whether the order in which this application was reviewed is correct; Mr. Mead responded that the application could be submitted by a community or by the State Historic Preservation Division, and stated that once the nomination is on the agenda of the Hawai'i Historic Places Review Board, it becomes difficult to make changes. At that point it would be public information, subject to Sunshine Law, and spur-of-the-moment changes would be difficult to make. Feedback received from the CRC prior to being heard by the Review Board allows for more flexibility and revisions. Commissioner Morrison stated that he would be willing to put forth a motion provided that further research is done relative to Commissioner Lee Loy's comment about the hālau, that Mr. Stephenson reviews the document for redundancies, and that he reduce or summarize the text. Commissioner Lee Loy stated that she believes that Mr. Stephenson intended to position World War II as a very pivotal point in Hawai'i's history in which Japanese made their mark in Hawai'i. She points out, for example, that it is an important part of history when the doctor was required to relinquish his ownership of his property. Commissioners do not want the information be reduced, but would

like the information to relate to the property better. Chairperson Chang does not feel it is necessary to review this nomination again, and feels that the Commission can proceed with making a recommendation for approval by the mayor, but would like to make suggestions for improvement. Mr. Mead stated that he could draft favorable recommendation for the property to the mayor, and ask Mr. Stephenson to address the points that were mentioned in the CRC meeting. The CRC's support would not be contingent upon these requests, but Commissioners feel that incorporating the recommended changes will provide assistance to the nomination's review at the State level. Commissioners feel some editing is needed; information should be necessary and must have direct relevance to the property.

Chairperson Chang asked for a motion. Commissioner Lee Loy moved that the Cultural Resources Commission forward a favorable recommendation to the Mayor of the County of Hawai'i for the inclusion of the Masaaki Sakata property to the State Register of Historic Places and nomination to the National Register of Historic Places, as the property meets Criteria A and C as set forth by the by Hawai'i Administrative Rules, Title 13, Chapter 198, and Title 36 Part 60, Code of Federal Regulations, with the attached comments as a result of the March 9, 2016 CRC meeting. Commissioner Meheula seconded. Vote was unanimously approved by show of hands.

2. National Historic Preservation Act, Section 106 consultation for the National Park Service - Ala Kahakai National Historic Trail's draft Honoka'ope Ala Hele Trail Maintenance Project along Honoka'ope Bay, Waikoloa, Hawai'i. Project would include the portions of the historic trail as it occurs along portions of TMKs: (3) 6-8-033:004, 005, 006, 007, 009, 012 and 050.

This agenda item was deferred to the April 13, 2016, CRC meeting due to the unavailability of a representative for the application to attend.

3. Update from the State Historic Preservation Division regarding the SASH (Statewide Architectural Survey of Hawai'i) survey, future context studies, 2015 and 2016 Certified Local Government grant funds, and other matters relating to the duties of the State Historic Preservation Division and the Cultural Resources Commission.

Due to the late arrival of the State Historic Preservation Division (SHPD) staff, Chairperson Chang called for a ten minute recess at 2:47 P.M.

Meeting reconvened at 2:58 P.M.

There was one member of the public in attendance.

Chairperson Chang gave the floor to Mr. Kaiwi Yoon from SHPD who provided updates to the Commission. Mr. Yoon reported that he met with Mayor Kenoi in the morning, and that it was a very fruitful meeting. He provided updates to the Mayor, Representative Cindy Evans, and Representative Richard Onishi. He reported that he did not meet with Representative San Buenaventura as she was in a hearing. He briefed Representative Evans and Mayor Kenoi about the communities that SHPD intends on visiting. He stated that Mayor Kenoi is excited. Mr. Yoon reported that they have completed their surveys on Kaua'i and Maui, and that it went extremely well; they collected a lot of data, and reports that the next half of this effort will be the context studies, and states that they are almost through procurement. Mr. Yoon stated that he is convening the selection committee this week or next, will make decisions and then go forth with

the appropriate firm to do the context studies for each island. It is within the Act 89 budget that the context studies will be paid for. He also stated that there may be some training opportunities this year that the Certified Local Governments (CLG) can contemplate, and announced that SHPD is very supportive of training. Mr. Yoon would like to arrange a teleconference meeting with all the CLG to give an opportunity for everyone to attend trainings. Chairperson Chang stated that she does not believe the CRC has received any information regarding trainings. Mr. Mead stated that training activities were mentioned at the last CLG meeting, in November, and the CRC chair and vice chair could not attend this meeting. It was announced then that Kaua'i went to a preservation conference. A list of eligible trainings was emailed following the November meeting. Trainings were a suggested deliverable in effort to use up the 2015 funds. Chairperson Chang asked for the list of trainings; Mr. Yoon responded that he thinks Ms. Anna Broverman, SHPD, has a list of trainings, and announced that there is a range in training topics; examples given were NPI trainings or historic tax credit training. Mr. Yoon asked Mr. Mead which training he requested; Mr. Mead reported that he requested training on how to treat infrastructure improvement with respect to historic properties, as there are many requests for cellphone towers requiring Section 106 consultation. Mr. Yoon stated that they will schedule a teleconference meeting upon Ms. Broverman's return to work.

Chairperson Chang asked Mr. Yoon for the status of the CLG grant application that the CRC submitted for the historic digital tour concept. Mr. Yoon responded that he believes the application was sent to National Park Service (NPS), but he will check with Ms. Broverman to be sure. He stated that both he and Ms. Broverman reviewed it and it looked fine. He also reported that he is trying to reach NPS; Ms. Megan Brown has been promoted, leaving her position vacant, and a new point of contact has not been assigned. Mr. Yoon reported that Ms. Brown's last email indicated that there are CLG recaptured monies, however, the dates from which these monies are recaptured from is unknown. The recaptured money could be appropriated toward the development of a mobile phone app. This app is still being developed, but SHPD hopes to utilize and incorporate it into the surveys. Chairperson Chang asked how long it generally takes to hear back once an application is forwarded to NPS; Mr. Yoon, after initially misunderstanding what Chairperson Chang was asking, responded that when Ms. Brown's position was filled, a three to four week turnaround time could be expected, but he does not know what the timeframe will look like with the vacancy. Mr. Mead asked whether all applications are forwarded to NPS for final approval; Mr. Yoon responded that they are. Mr. Mead asked whether the length of time for NPS review of CLG proposals will be problematic to accessing the 2015 funds; Mr. Yoon responded that he does not think it will as they have been dialoguing with the CLGs, NPS, and the counties. He believes that everyone is aware of what's going on; historically SHPD communication was weak, but feels that they have been coordinating better and restoring, bridging, and solidifying the level of trust between SHPD and NPS. He offered to reach out to Melia, [Melia Lane-Kamahele of NPS] who he believes can be the point of contact until someone is identified in Ms. Brown's position. Mr. Yoon stated that he will push NPS for the applications that have already been submitted, and identify the training opportunities the CLGs could benefit from. They will fill out the applications and will communicate with NPS. He urged Chairperson Chang to submit project types [proposals] to SHPD for 2016 [CLG grant cycle] by October or November for processing. Mr. Mead asked for clarification as to whether the Hawai'i County CLG is the only county that has submitted a CLG grant for 2016 thus far; Mr. Yoon confirmed. Chairperson Chang asked Mr. Yoon if he was referring to a different application; Mr. Yoon said that he is referring to any other projects, and urges the CRC to submit them as early as possible. He reported that he has yet to meet with the Hawai'i [County] Finance to learn how that process is

run; Mr. Mead reported that in order for the County to officially accept the funds, a resolution must be written, then adopted by the County Council in two meetings; a committee meeting and a hearing. It shouldn't take longer than a month, and he doesn't foresee any problem with the timing for the matches as the matches have been identified as staff time and Pulama ia Kona's time. Mr. Yoon asked whether the mayor has the ability to use discretionary funds, as Maui's mayor does, so that the acceptance of funds does not need to go through council. Mr. Mead, Mr. Kay, and Chairperson Chang feel that any time funds are accepted, even small amounts, need to be accepted by the County Council. Chairperson Chang asked if Mr. Yoon will be following up with Melia regarding the status of the application and how to move it forward; he responded that he will. Mr. Mead added that he believes that the timeline, as required in the grant application, has already started.

Mr. Yoon also announced that he drafted the proclamation to the Governor's office to designate May as preservation month. It is nationally recognized, but is the first time that Hawai'i is participating. This year a calendar of events will be developed and SHPD is inviting partners to add their events to the calendar. He expects the upcoming years to look very different. This year may be the CLGs opportunity to advertise what a CLG is and what it does. Mr. Yoon also announced that the IUCN [International Union for Conservation of Nature] World Conservation Congress is coming to Hawai'i and there will be a Hawai'i pavilion. He does not know exactly what this means yet, but may be a great opportunity for the CLG delegates or designees to talk to the community about what CLGs are. He feels it is an opportunity for culture and conservation to come together and dialogue, and he feels it is an important part of this community. Mr. Yoon reports that the SHPD branch chiefs are meeting to determine what opportunities exist, but it is his hope that the CLGs have more public exposure. Chairperson Chang asked when the conference will be held; Mr. Yoon said he would get back to the Commission with this information. Chairperson Chang stated that it might be good for those in Honoka'a to be made aware of this preservation month, in light of all the Honoka'a buildings that the CRC has moved forward for the register.

Chairperson Chang asked Mr. Yoon if it is a requirement that properties are viewable by the public from the nearest road when registered as a State and/or Federal historic place. Mr. Yoon responded yes, that this is one condition for a national registration. He is not sure whether it is a requirement of the state registration; he will report back to the Commission. He also mentioned that the Commission can nominate projects for inclusion on the State Register. Mr. Mead stated that this was considered for a County-owned parcel that needs an Archaeological Inventory Study (AIS), however coming up with a match proved challenging.

Mr. Mead asked Mr. Yoon if the [CLG] telephone conference can be held this month; Mr. Yoon agreed to try, however he hopes to have a discussion with NPS regarding 2015 funds prior to the meeting. Mr. Yoon stated that the 2015 funds are the CRCs immediate need for a DC training; Mr. Mead disagreed, and provided that the 2016 funds are needed for the grant application, and would like to submit a request for a Colorado training using 2015 funds, but is waiting for SHPD to provide an example of an approved CLG training application as a guide.

Mr. Yoon also reported that they met with the counties to cover Act 224 and [Section] 106; response letters have been sent.

ADMINISTRATIVE MATTERS

1. Approval of Meeting Minutes. Motion made by Commissioner Wada and seconded by Commissioner Meheula, to approve the meeting minutes as distributed. No corrections to the February 10, 2016, meeting minutes. Minutes approved by unanimous aye vote.

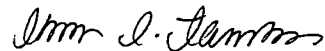
ANNOUNCEMENTS

1. The next meeting is scheduled for Wednesday, April 13, 2016. The agenda will likely include the Ala Kahakai presenters and the Section 106 training, and review of the Laupāhoehoe Forest Management Plan, and a possibly trails in 'Āina Le'a.
2. Distributed to the Commission by email was the letter to Waikoloa BC, LLC, Lava Lava, with comments from the Commission on their draft AIS.

ADJOURNMENT

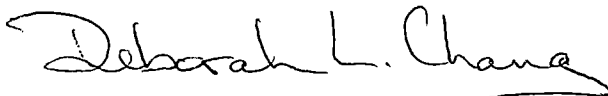
There being no further business, Chairperson Chang asked for a motion to adjourn. Commissioner Lee Loy moved to adjourn and Commissioner Morrison seconded. Vote unanimously approved. Meeting adjourned at 3:26 P.M.

Respectfully Submitted,



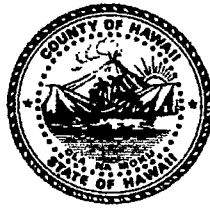
Kim L. Tanaka, Secretary

ATTEST:



Deborah Chang, Chairperson
Cultural Resources Commission

William P. Kenoi
Mayor



County of Hawai'i

PLANNING DEPARTMENT CULTURAL RESOURCES COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

Deborah Chang, Chair
Ke'ala Lee Loy, Vice Chair
Ronald Dela Cruz
Theresa Donham
Lily Dudoit
Nicole Lui
Barbara Meheula
Boone Morrison
Christine Wada

April 4, 2016

Ross W. Stephenson, PhD
38 South Judd Street, Unit 24B
Honolulu, HI 96817

Dear Mr. Stephenson:

SUBJECT: Historic Register Nomination of the Masaaki Sakata Property
TMK: (3) 4-5-007:014, Honoka'a, Hāmākua, Hawai'i

The Cultural Resources Commission (CRC) reviewed the subject historic register nomination at their March 9, 2016 meeting and offers the following comments for your consideration and incorporation into the document.

The CRC notes that the multiple-property nomination, "Historic and Architectural Resources of Honoka'a Town," has been prepared for historic Honoka'a properties and was previously reviewed by the CRC. The multiple-property document provides a good general background of the overall history of Honoka'a town. With the support of the multiple-property nomination, the CRC believes that the subject document can be refined to reduce some of the overly generalized materials in the nomination in favor of details directly connected to the site. As written, there are portions of the historic background that are too loosely connected to the history of the property. For example, the photos on pages 14, 15 and 16 of the nomination depicting Reverend Lorenzo Lyons, the ruins of 'Ele'io Church, and 'Imiola Church are not directly related to the subject property and add bulk to the document. Additionally, pages 23-26 have areas of redundancy that should be reviewed and edited.

The CRC believes the historic register nomination of the Masaaki Sakata property would benefit from additional photographs of the Tofukuji Hospital Laundry/Furo and the Tofukuji Hospital Garage that show the significant features of the structures that are identified in the body of the nomination document. The single photos of the structures in document reviewed by the CRC do not capture their stated significance. The CRC also notes that the history of the photo studio includes use as a hālau; if appropriate, please include this use in the historic time-line of the property.

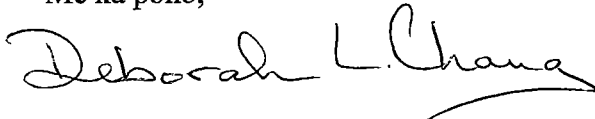
Mr. Ross Stephenson, PhD

Page 2

April 4, 2016

Mahalo for giving us the opportunity to comment on this historic property nomination. We understand that there are several additional nominations that you are working on, and we look forward to reviewing them in the future. For future nominations, please also include a statement indicating the views of the landowner regarding the nomination and whether any objections have been raised. The CRC is appreciative of your efforts and energy spent to move these significant historic properties onto the register and honor them as sites important to the preservation and interpretation of our history. Should you have any questions, please contact CRC staff member Lucas Mead at (808) 961-8140 or at Lucas.Mead@hawaiicounty.gov.

Me ka pono,



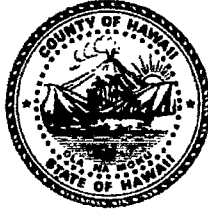
DEBORAH CHANG, Chairperson
Hawai'i County Cultural Resources Commission

LM:klt

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cc via email: Hawai'i County Cultural Resources Commission
State Historic Preservation Division, Architecture Branch

William P. Kenoi
Mayor



Randall M. Kurohara
Acting Managing Director

County of Hawai'i
Office of the Mayor

25 Anapuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokalole Hwy., Bldg. C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

May 13, 2016

State Historic Preservation Officer
and Members of the Hawai'i Historic Places Review Board
Kākuhihewa Building
601 Kamokila Blvd, Ste. 555
Kapolei, Hawai'i 96707

Dear SHPO and Members of the Hawai'i Historic Places Review Board:

SUBJECT: Nomination of the Masaaki Sakata Property to the Hawai'i Register of Historic Places
45-3577 Māmane Street, Honoka'a, Hawai'i 96727
TMK: (3) 4-5-007:014 Honoka'a Town, Haina, Hāmākua, Hawai'i

I am pleased to offer support for the inclusion of the Masaaki Sakata Property on the Hawai'i Register of Historic Places. After review of the nomination materials, we are of the opinion that the building meets criteria A and C of §13-198-8, Hawai'i Administrative Rules, and criteria A and C of §60.4, Code of Federal Regulations, for inclusion on the Hawai'i Register and nomination to the National Register of Historic Places.

The Hawai'i County Cultural Resources Commission (CRC) considered the draft nomination at their advertised public meeting on March 9, 2016, and unanimously voted to support its inclusion on the Registers.

Listing of the Masaaki Sakata Property on the Hawai'i Register of Historic Places will help to preserve a portion of the heritage that makes our County special.

Sincerely,

WILLIAM P. KENOI
Mayor

cc: Planning Department, Hawai'i County Cultural Resources Commission
Dr. Ross W. Stephenson, <rwaylands808@aol.com>

LM:klt
\\cohs33\planning\public\wpwin60\Cultural Resources Commission\Projects\Masaaki Sakata Property TMK 45007014\Mayor Letter to SHPO and HHPRB.doc

Mr. Scott Sakata
Sakata Family

Mr. Vern Yamanaka
Yamanaka Enterprises, Inc.

Gentlemen,

I am sending you this letter to communicate what the Historic Honokaa Town Project (HHTP) is about, and detail the interaction we have had with Mr. Rick Sakata, starting in 2014.

From what I understand, Mr. Masaaki Sakata has passed away recently. Please accept my condolences for your loss. I am aware that Ms. Marilyn Sakata has been requiring continued care for some time, a situation that many of us with elderly parents have also faced as we grow older ourselves.

First of all, it is not the purpose of the Historic Honokaa Town Project to interfere with any property rights of individuals, nor to interject itself into any family affairs. Our sole purpose has been to help rejuvenate the economy of Honokaa after the town was bypassed by Mamalahoa Highway in the 1960s and the closure of operations by the main employer in the town, Hamakua Sugar, in 1994. Rebuilding local economies has been successful in many mainland communities through emphasizing a unique sense of place and appealing to cultural tourism. Honokaa, a small town nearly 40 miles out of Hilo, needs such programs to create employment and fill empty commercial space along Mamane Street.

Historic Preservation as an economic engine is often misunderstood by planners, realtors, government officials and the general public. Placement on the Hawaii and National Registers qualifies property owners for federal income tax writeoffs for maintenance projects. While many people are familiar with museums, museum buildings are not in themselves economically viable. The Hawaii State Historic Preservation Division (SHPD) and the National Park Service both recognize that commercial buildings must generate income for the property owner or the property owner will not be able to afford maintenance and the building will ultimately be lost. On this basis, buildings listed on the Historic Registers can and are often modified internally (or externally in the back) to meet modern needs, including new kitchens, bathrooms, garages, functions, etc.

Under Hawaii law, the Sakata Building is subject to SHPD review of modifications regardless of whether or not the building is listed on the Historic Registers. For example, the local Honokaa Catholic Church, Our Lady of Lourdes, wants to remove a building from the Old Camp 8 on its property and has submitted documentation to SHPD as part of its request to the County for a demolition permit. Likewise, buildings on the Historic Registers may be demolished after notification is given to SHPD that the landowner intends to remove the structure. Well known Hawaii examples of now-demolished structures once on the Historic Registers include Aiea

Sugar Mill, the Alexander Young Building in downtown Honolulu, and the Chee Ying Clubhouse in Honokaa.

At this point, I think it useful to discuss the Historic Honokaa Town Project's activities involving the Sakata Building. Important documents will also be included with this letter.

The National Trust for Historic Preservation in 1976 issued a study entitled "Honokaa, Hawaii: Guidelines and Recommendations for a Mamane Street Historic District". In 2013, the Historic Honokaa Town Project began its effort to preserve the town's unique historic character as a cultural tourism draw, and to market the town utilizing methods established by the national "Main Street" program. Twenty four property owners have signed onto the project.

The Sakata Building is one of the oldest buildings in town, showing on a 1914 map, and has a large frontage along Mamane Street. This made it a prime candidate for listing. HHTP researched ownership of the property and approached Mr. Rick Sakata, a family member who operates an insurance firm inside the building. In our discussions with Mr. Rick Sakata, we discussed the ramifications of listing the property on the Historic Registers, including our focus on the front building's street façade. We stated that we would prefer to also list the Sakata Studio, the combination furo/storage building, and the back carport. We stated that the two residential buildings no longer had integrity. We also stated that historic designation would not impact construction on the two residential building sites and the open spaces above and below the Studio building. We even mentioned the option of renovating the Studio building. On July 24, 2014, Mr. Sakata indicated that he had conferred with his family members, agreed to participate and to list the building on the Hawaii and National Registers of Historic Places (see signed attachment). He subsequently asked us how long it would take to complete the process.

On this basis, HHTP undertook writing a historic nomination for the Masaaki Sakata Property, presenting the nomination to SHPD and the Hawaii Historic Places Review Board, and subsequently forwarding on the nomination to the National Park Service. The property nominations were completed with the listing on the National Register on August 7, 2017.

During this time, HHTP had communicated with Mr. Rick Sakata on numerous occasions. He had notified us that his finances were tight and that he would have a hard time finding the funds to repair the building. The Historic Honokaa Town Project, in response, did the following:

2/15/15 provided Mr. Rick Sakata with a check (#8371) for \$4000 to cover initial cost of painting the building exterior.

5/19/15 provided the John Allen Sign Company with a check (#1513) for \$1,100 deposit for a sign to read "Sakata Building" to be placed on the parapet.

6/12/15 provided the John Allen Sign Company with a check (#8460) for \$1116.67 balance payment for the "Sakata Building" parapet sign.

2/19/16 provided the Rick DeLorey Painting Company with a check (#8677) for \$4,853.66 balance payment for painting the building exterior.

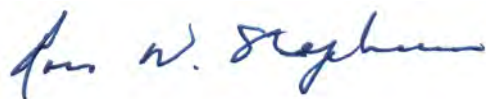
5/13/16 after receiving permission from Mr. Rick Sakata, provided Mr. Roger Byrnes, carpenter, with a check (#8783) which included \$560 to cover the cost of removing a partially-covered paniolo mural from the Botehlo Building and relocating it on the Hilo side of the Sakata Property Mamane Street commercial building.

8/2/16 provided Mr. Grady Keystone, artist, with a check (#8811) for \$647.35 to cover costs of restoring the paniolo mural recently relocated to the Sakata Property Mamane Street commercial building. Mr. Keystone has been methodically restoring portions of the mural, and Mr. Byrnes has assembled the materials necessary to erect a shelter from the elements for the mural (see photograph).

6/7/18 after receiving approval of the wording from Mr. Rick Sakata, ordered the manufacture of a bronze historic building plaque (see attachment). We subsequently received approval from Mr. Rick Sakata's secretary to place the plaque on the Waipio side of his office entrance. The plaque has been received from the manufacturer and was scheduled to be one of five such markers erected this coming month.

I do feel that the Historic Honokaa Town Project has made a good-faith effort to help the Sakata family improve the value of their property. HTTP has no financial interest in the property or its sale. Processes, benefits and responsibilities of listing were explained to Mr. Rick Sakata. It is my hope that I can discuss historic preservation with the potential owners and their representatives in order to facilitate the sale and improve the financial situation of the Sakata family. Please contact me anytime through any of the media below.

Mahalo nui loa,

A handwritten signature in blue ink, appearing to read "Ross W. Stephenson".

Ross W. Stephenson, PhD
38 South Judd Street, Unit 24B
Honolulu, HI 96817
679-9060
rwaylands808@aol.com

**HISTORIC HONOKA'A TOWN PROPERTY NOMINATION TO THE
HAWAII AND NATIONAL REGISTERS OF HISTORIC PLACES**

(Intent to Participate)

My name is Rich Sakata

Title (if any): owner

I own the property/represent owner (if applicable):

Property location: 45-3577 Mamane St Mamane Street

The Tax Map Key number is (3) 4-5- 4-5-007-014

The historic name of my building is: Sakata Building

Rich Sakata
Authorized Signature

Rich Sakata
Print Name

7/24/14
Date

Contact phone: 808-896-2140

Contact e-mail: rsakata@aloha.net

Contact address: 45-3577 Mamane St Honokaa, HI 96727

Instructions: Mail to: Ross W. Stephenson, PhD
38 South Judd Street, #24B
Honolulu, HI 96817
Phone: 679-9060

Mahalo for your participation!



HISTORIC HONOKA'A TOWN



MASAAKI SAKATA PROPERTY

George Hardy, a British Navy deserter, received Royal Land Patent No. 1073 for this property from King Kamehameha III in 1852. Scottish carpenter William Russell became the owner in 1906. This Māmane Street commercial building was erected by 1914, and has since contained a soda fountain, billiard hall, dry goods store, convenience market, shoemaker, jeweler, and barber shop.

Dr. Koshiro Tofukuji opened the first Japanese hospital in Honoka'a in 1910 on the *mauka* portion of the lot, providing Japanese immigrants with facilities similar to those in their home country.

Kyuhachi Sakata leased the central portion of the property for the Sakata Art Studio in 1921. Generations of locals have had their high school portraits and other special event photographs taken here.

Dr. Tofukuji was able to purchase a half-interest in the property in 1928. During World War II, as a veteran of the Imperial Japanese Army, he was designated an enemy alien, interned, and his property seized by the U.S. Government.

By 1954 Kyuhachi's son, Masaaki, consolidated ownership of the property, hence the name Sakata Building.

National Register of Historic Places

October 27, 2018

Ms. Nancy Peacock
Chairperson, Hawaii Historic Places Review Board
c/o State Historic Preservation Division, DLNR
601 Kamokila Blvd, Unit 555
Kapolei, HI 96707

Subject: Masaaki Sakata Property, Honokaa

Dear Ms. Peacock,

The Historic Honokaa Town Project (HHTP) wishes to thank you and the Review Board for your cooperation in listing properties in Honokaa for the Hawaii State and National Registers of Historic Places. As you know, HHTP's sole purpose is to help rejuvenate the economy of Honokaa by restoring its physical plant, emphasizing a unique sense of place, and appealing to cultural tourism to create new local employment opportunities. While HHTP has provided financial and marketing assistance to individual property owners, the Project does not receive any financial benefits from its actions. HHTP is a demonstration project to illustrate the benefits of historic preservation, especially to small towns on the neighbor islands.

Recently, it has come to my attention that owner permission to list the Masaaki Sakata Property (45-3577 Mamane Street in Honokaa, TMK [3] 4-5-007:014, SHPD Historic Site # 50-10-08-30678, NPS National Register #100001414) was not properly obtained by HHTP.

HHTP had identified the Masaaki Sakata Property as a contributing element to the historic Plantation Era architectural fabric of Honokaa. We researched ownership in Hawaii County property tax records as the Marilyn W Sakata Trust and the Masaaki Sakata Trust. I have been familiar with the Sakata Insurance Company, operated by Mr. Rick Sakata, which is the major tenant in the commercial building along Mamane Street. (Indeed, my own sister-in-law, Ms. Shelia Miyasaki, had been employed in the office by Mr. Rick Sakata.) I approached Mr. Rick Sakata about listing the property on the Hawaii and National Registers of Historic Places, explaining the benefits, requirements and processes involved. Mr. Rick Sakata stated that his family might find it necessary to sell the property to cover his parents' extended medical costs. He and I also discussed future use of the property, including possible redevelopment. Mr. Rick Sakata stated that he would consult with other members of the Sakata family about HHTP's listing proposal. In a meeting with me held on July 24, 2014 in his office, Mr. Rick Sakata indicated that he had conferred with his family members, and agreed to participate in HHTP and list the property on the Hawaii and National Registers of Historic Places. He then signed the HHTP consent form. He also asked how long it would take HHTP to complete the Historic Register listing process. On this basis, HHTP undertook writing a historic nomination for the Masaaki Sakata Property, presenting the nomination to SHPD and the Hawaii Historic Places Review Board, and subsequently forwarding on the nomination to the National Park Service. The property nominations were completed with the listing on the National Register on August

7, 2017. During this time and after, HHTP communicated with Mr. Rick Sakata on numerous occasions. He notified us that his finances were tight and that he would have a hard time finding funds to repair the building. HHTP is familiar with such financial challenges faced by other small property owners and has provided financial assistance elsewhere. The Historic Honokaa Town Project did the following after a series of consults with Mr. Rick Sakata:

2/15/15 provided Mr. Rick Sakata with a check (#8371) for \$4000 to cover the initial cost of painting the building exterior.

5/19/15 provided the John Allen Sign Company with a check (#1513) for \$1,100 deposit for a sign to read "Sakata Building" to be placed on the parapet.

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6/7/18 ordered the manufacture of a bronze historic building information plaque (\$1,626.00). We subsequently received agreement to place the plaque on the Waipio side of the Sakata Insurance office entrance. The plaque has been received from the manufacturer and was scheduled to be one of fix such markers to be installed in Honokaa in the near future. The historic plaque specifically includes the wording "National Register of Historic Places".

The Historic Honokaa Town Project has since been notified that Mr. Scott Sakata, brother of Mr. Rick Sakata, has sole legal responsibility for the affairs of the Marilyn W Sakata Trust and the Masaaki Sakata Trust. Mr. Scott Sakata objects to the Historic Register listings. Furthermore, the Sakata family is now in the process of selling the property and the potential new owner has indicated that he/she does not want the listings either.

HHTP was led to believe that it was conducting its due diligence concerning ownership and permissions, as Mr. Rick Sakata misrepresented his status as officially speaking for the family and had multiple opportunities to notify HHTP that such was not the case. HHTP would not have provided \$13,903.68 in cumulative grants for building maintenance and undertaken

production and process of the historic nominations and building information plaque if it had known of this situation.

Under Hawaii Administrative Rules §13-198-10 (3) and the Code of Federal Regulations §60.15 (4) Removing Properties from the National Register due to procedural error (owner notification), the Historic Honokaa Town Project must support the delisting of the Masaaki Sakata Property.

If in the future any owner of the Masaaki Sakata Property chooses to do so, the Historic Honokaa Town Project will support listing on the Hawaii and National Registers of Historic Places that portion of the parcel facing Mamane Street occupied by the main commercial building. This reflects the facts that the main commercial building remains a major contributing element to the Plantation Era architectural fabric of Honokaa along Mamane and the mauka portion of the lot is the most likely section for redevelopment.

I apologize for any inconvenience this action creates for the Hawaii Historic Places Review Board. Mahalo nui loa for your assistance in this matter.

Please feel free to contact me through any of the media below if you have any questions.

A handwritten signature in blue ink, reading "Ross W. Stephenson".

Ross W. Stephenson, PhD
Historian and Coordinator, Historic Honokaa Town Project
38 South Judd Street, Unit 24B
Honolulu, Hawaii 96817
(808) 679-9060
rwaylands808@ao.com